

ZONING BOARD OF APPEALS
Tuesday, July 20, 2010
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni - Deputy Director, Construction Services
Sandra Hawthorne – Administrative Assistant
Jon Hollander – City Engineer, Public Works
Mark Marinaro – Fire Prevention

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as follows:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns, answer questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, August 2, 2010, at 4:30 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for future information and that her phone number was listed on the top of the agenda which was made available to all those in attendance at the beginning of the meeting. The City's web site address for minutes of this meeting are listed on the agenda as well.

A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the June 15th, meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

ZBA 018-10

Applicant
Ward 5

815 and 821 Kishwaukee Street

Nancy Haas

Zoning Map Amendment from R-2, Two-family Residential to C-3, General Commercial District

Special Use Permit for auto body shop, towing and outside storage of tow trucks and customer cars

Variation to reduce the parking lot setback from 20' wide to 10' wide

Variation to reduce the required landscape buffer width from 20' wide to 10' wide along the west side adjacent to residential in a C-3, General Commercial District

The subject property is located on the west side of Kishwaukee Street consisting of the entire block from Gregory Street to Catlin. Nancy Haas, Applicant, reviewed her application. She stated vehicles will only be customer vehicles, not in wrecked condition. Ms. Neubauer wished to verify wrecked vehicles will not be stored outside. Ms. Haas stated these would be stored in another area. She further indicated the area to the north as referred to in Staff condition #6 has already had gravel removed and has been soil and seeded. No gate has not been installed at this time. Ms. Haas is aware that she will need to apply for a Variation for fencing if the height proposed does not meet code.

Mr. Cagnoni clarified that the building on the corner of Gregory and Kishwaukee is the one that would be demolished. Staff is in support of the project and stated the City appreciates the investment the Applicant has made in this property. Mr. Cagnoni verified that the area the Applicant wished to enclose with a fence and gate is the area they are now constructing. He stated a condition could be added that would give Staff the authority for a fence plan and elevation plan submitted for consideration and approval for a possible wrought iron fence. Mr. Sanders felt the landscaping plan submitted was somewhat insufficient and asked Staff if they were expecting more details to be provided. Mr. Cagnoni stated one of the conditions does require a more detailed plan and verified that Staff has been working with the Applicant.

Staff Recommendation is for Approval of all requests, with 6 conditions. No Objectors or Interested Parties were present.

During discussion, the Board recommended removing Staff condition #6 since this lot has already been seeded, and adding a new condition 6 requiring a fencing elevation plan be provided to Staff.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Zoning Map Amendment from R-2, Two-family Residential to C-3, General Commercial District; to **APPROVE** the Special Use Permit for auto body shop, towing and outside storage of tow trucks and customer cars; to **APPROVE** the Variation to reduce the parking lot setback from 20' wide to 10' wide; and to **APPROVE** the Variation to reduce the required landscape buffer width from 20' to 10' wide along the west side adjacent to residential in a C-3, General Commercial District at 815 and 821 Kishwaukee Street with the removal of original Staff condition #6 and the addition of new condition 6 requiring a fencing elevation plan. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Submittal of a revised site plan including the required handicap spaces for Staff's review and approval.
2. Submittal of a landscape plan prior to issuance of a building permit for Staff's review and approval.
3. There shall be no overnight outside storage of customer vehicles and only tow trucks may be stored overnight which will be limited to the location of the new parking lot.

4. All vehicles waiting for repair shall be currently licensed and registered.
5. There shall be no outside storage of vehicle parts, tires, wrecked/damaged and/or unlicensed vehicles.
6. Submittal of a fence elevation plan to be provided for Staff's review and approval.

ZBA 018-10
Findings of Fact for a Zoning Map Amendment
From R-2, Two-Family Residential District
To C-3, General Commercial District at
815, 821 Kishwaukee Street

Approval of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, orals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as RH-COI/O, Heavy Residential-Office Overlay.

ZBA 018-10
Findings of Fact for a Special Use Permit
For Auto Body Shop, Towing, and Outside Storage of Tow Trucks and Customer Cars
In a C-3, General Commercial Zoning district at
815, 821 Kishwaukee Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.

5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

ZBA 018-10
Findings of Fact for a Variation
To Reduce the Parking Lot Setback From 20' Wide to 10' Wide
In a C-3, General Commercial Zoning District at
815, 821 Kishwaukee Street

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 018-10
Findings of Fact for a Variation
To Reduce the Required Landscape Buffer Width
From 20 Feet Wide to 10 Feet Wide
Along the West Side Adjacent to Residential
In a C-3, General Commercial Zoning District at
815, 821 Kishwaukee Street

Approval of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 019-10

Applicant
Ward 13

33XX School Street and 3520 School Street

Rockford Renaissance Development / Phillip Dean

Zoning Map Amendment from C-1, Limited Office District to C-2, Limited Commercial District

Special Use Permit for in-patient medical treatment facility and nursing care facility of more than ten (10) acres in a C-2, Limited Commercial District

The subject property is located north of West State Street, west of North Springfield Avenue, and South of School Street and is currently vacant land. This application is for approximately 12 acres of the parcel. Attorney Russell Anderson, Philip Dean, (Springcreek Development Group) and Ron Billy, (Tyson & Billy Architects) were present.

Attorney Anderson reviewed the requests of the Applicant. He referenced Staff compliance with the 2020 Plan. He further stated this project will provide jobs and other opportunities for the City. Mr. Billy, Architect, presented a layout of the project along with landscaping buffers shown. Additional landscaping

will be added to this plan. Mr. Dean also presented the concept plan of the proposed development components, explaining that only a portion of this property is zoned C-1, with the remaining zoned as C-2. Part of the development will be comprised of a 75 unit memory care center as well as a building for autistic patients.

Mr. Sanders asked if the Fire Department had any concerns about access because of the layout of the site. Mr. Marinaro felt this would not be a problem. Mr. Cagnoni explained the topography of the site was a challenge for landscaping and Staff had worked with the Applicant to meet those requirements.

Staff Recommendation was for Approval with 2 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from C-1, Limited Office District to C-2, Limited Commercial District; and to **APPROVE** the Special Use Permit for in-patient medical treatment facility and nursing care facility of more than ten (10) acres in a C-2, Limited Commercial District at 33XX School Street and 3520 School Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a final plat and building elevations for staff review prior to the issuance of a building permit.

ZBA 019-10
Findings of Fact for a Zoning Map Amendment
From C-1, Limited Office District
To C-2, Limited Commercial District at
33XX and 3520 School Street

Approval of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, orals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as C, PA, CH (Retail-Priority Park Acquisition-Heavy Commercial).

ZBA 019-10
Findings of Fact for a Special Use Permit
For an In-Patient Medical Treatment Facility and Nursing Care Facility
On More Than 10 Acres
In a C-2, Limited Commercial Zoning District at
33XX and 3520 School Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-2 district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 020-10

Applicant
Ward 6

1277 Asche Avenue & 15XX Sandy Hollow Road

Reno & Zahm / Ian Linnabary

Special Use Permit for a Planned Unit Development for a Multi-Family Residential Development consisting of 158 Units on one lot in a C-3, General Commercial District

The subject property is located south of Sandy Hollow Road and west of 11th Street. Attorney Ian Linnabary, (Reno & Zahm) Jay Landesman and David Roos, (LandWhite Developers) and David Jenkins (Architect) were present. Attorney Linnabary explained this item was before the Board in April and since then the development plan has been modified. He explained the external materials will be quality materials and it is their intent to make the most use of this property by building up rather than a sprawling development. There will be a total of 158 units in 6 buildings: 34 one-bedroom, 64 two-bedroom, and 60 3-bedroom units. Rent will range from \$630 to \$930. The development will also contain a community center, fitness facility and garages. Attorney Linnabary stated the density for this development is 24 units per acre. The community center proposed is 3,100 square feet with couches, chairs, televisions, and a microwave kitchen area. The outdoor playground is 1,800 square feet with southern exposure for sunshine most of the day. He further explained the units are wired for high speed internet access, and will have stainless steel energy star certified appliances. There will be two balconies for the upper units, and two patios for the lower.

Attorney Linnabary stated they have met with the Fire Dept. regarding access concerns and turn-around radius was discussed. The development is proposed to have three 6' gates behind each building, each with a Knox box. Southgate shopping center is suffering, by Attorney Linnabary's admittance. 20,000 square feet is currently vacant. The Applicant intends to redevelop the entire parking lot, bring landscaping to code, and revamp the curb cuts. The façade of K-Mart and the vacant center will be

redone to invite businesses to locate there. The tire and battery building at the corner of Sandy Hollow and 11th Street is now vacant. Attorney Linnabary stated the Applicant is willing to offer 2,000 square feet of this building to the City for a fire station. There was a concern by the Board regarding additional calls that may result to the police department from this development. Attorney Linnabary stated he had requested Hampton Ridge police call records as a comparison. Hampton Ridge is over 100 units larger than the Applicant's planned development. Attorney Linnabary stated the police department felt it would not create an unnecessary strain should this project be developed. He added that the circumstances are right for increased employment and the availability of retail space. The Applicants feel there is a serious shortfall for quality affordable housing in the city of Rockford.

In going over information from the Staff Report, Attorney Linnabary discussed the landscaping plan. He pointed out that the easterly boundary, which is not part of the Applicant's property is already buffeted by trees. The Applicants wish to eliminate landscaping requirements in this area. High water marks were also a concern. Attorney Linnabary stated the Applicant is willing to raise one of the buildings up 6" to put it above that mark. He further stated there are plans for drainage to ensure it will function properly. Any pooling of water on site will be no deeper than 6" should excess water occur. Attorney Linnabary added the developer is committed to using local contractors and union labor and are wholly dependent on their own financing.

Mr. Roszkowski asked if there would be anything done on the back wall of the retail center facing this development. Other than repainting, the Applicants present stated there are no plans for improving the back wall. Mr. Roszkowski asked David Jenkins, architect, if they were doing the front façade to which Mr. Jenkins responded a portion of the front facade would be improved.

Mr. Sanders asked Attorney Linnabary why they were back on the agenda again. Attorney Linnabary responded there had been some concern about what would happen should this development not occupy as expected. He stated there is a process for a deed restriction that will run with the land that will not allow this development to become Section Eight housing. However, he further explained there are legal ways to have the deed restriction removed, but he was not comfortable with his knowledge of this to allow him to explain the process. Mr. Sanders again asked what series of events brought this item back to the Board. Attorney Linnabary stated again that the possibility of this property becoming Section Eight housing was a great concern and the City wanted more assurance that this would not happen. Attorney Linnabary felt since this development does not agree with the 2020 Plan, that Staff would not be able to recommend Approval even though compromises and improvements were made to the development.

Mr. Jenkins stated in a meeting with Staff the previous week, landscaping requirements were discussed and a drawing was presented to Staff. Mr. Cagnoni stated Mr. Jenkins took that drawing with him so it was not appropriate to comment on Staff's agreement to this plan, since Staff does not have the plan to study.

Staff Recommendation remains at Denial. Objectors and Interested Parties were present. A letter of Objection was also received from Alderman Leonard Jacobson, who is Alderman of this ward.

Alderman Jacobson stated in his letter that he would urge the Zoning Board to recommend Denial of this item. He felt this development was not in line with the development goals and objectives of the area. His letter further stated he has *"pressed the current owners of the commercial development to clean up the commercial area and to fix existing code violations. My past experiences with the current owners of the commercial development have left me with little confidence that what they are proposing today will actually be carried out"*. He further stated the location of the proposed development is within an established commercial and industrial area that does not lend itself to compatibility with a residential use such as the one proposed. His letter mentioned that there was an established TIF at this location for commercial and industrial uses and felt if residential is at this location the TIF may suffer the result.

Kathleen Hansen, 4436 Charles Street - not an adjacent property owner - stated she is a horticulturist and she wished to speak on the Applicant's discussion of buffer. She stated the trees along Bypass 20 as discussed were not under the control of the Applicant and felt they could be removed at will.

Shawn Carmichael, and Philip Freund, Chicago International Trucks, 1212 Asche Avenue - adjacent property owners - were present as Objectors. Mr. Carmichael stated because of the nature of their business, large trucks would be coming in and out at all hours of the day and evening. The amount of engine noise and mechanical tools could cause a strain on their neighbors. Mr. Carmichael feels their business could be pushed out of this location if this area becomes more residential than commercial. Their customers do not have access off of Sandy Hollow, but their parcel does back up to Sandy Hollow.

Mr. Freund also expressed his concern that lighting and noise from air compressors would be a problem for the proposed units. Because their mechanics work at night as well, lighting would interfere with the comfort of families in these units.

Attorney Linnabary spoke in rebuttal. He stated the trees are located in a State Right-of-Way under the auspices of IDOT. Landscape buffers will be installed to buffer the light and noise from Chicago International Trucks. He pointed out that there are other residential areas around this trucking facility and it has not seemed to be a problem.

Regarding a letter from Ald. Jacobson requesting Denial of this proposal, one of the issues was the non-compliance of the present owner to code. Mr. Roos addressed this question stating this center has been going down and this pending development will generate the funds necessary to rehabilitate the center. His group bought into this center in 1994 and it has never made any money. The parking lot needs to be brought up to code, landscaping needs to be installed, and to bring this up to code requires money that is not available without this project.

Mr. Sanders asked Staff what had transpired between them and the Applicant since this proposal was presented three months ago. In summary, Mr. Cagnoni stated their recommendation was in part based on the 2020 Plan. The design was based on R-4 regulations. Staff feels this site is a tight fit and there is concern on how detention will function. A landscaping plan has not been approved by Staff and they have not had an opportunity to review in detail. Mr. Cagnoni further stated that Staff feels the landscaping plan of arborvitaes with a sight-obscuring fence as presented in their meeting is not adequate. He explained the Board has the opportunity to waiver from code standards for landscaping. IDOT has been reviewing options to revamp the Business 20 area and part of that could be the removal of these trees. There are elevation issues on some of the buildings and although some of these could be fixed rather easily, parking lot and secondary entrances are going to be underwater, surrounding the buildings. Should any of these drains get plugged it could cause flooding easily. Staff felt the revised application is relatively the same application as previously submitted, with no design changes. In reference to the deed restriction discussed by Attorney Linnabary, City Attorney Cacciapaglia stated Staff cannot request that this deed take place.

Jon Hollander, Public Works, stated when the drainage areas are operating to capacity, there is going to be water standing in the parking lot. In cases where the parking lot is very large and the area is not used, typically, this is not a problem. However, this is not the case in the Applicant's property. Because of the tightness of the site, the three detention ponds proposed are very small. The smaller openings required because of the small detention ponds could become easily plugged. He feels the water challenge is closer to the residents than Public Works is comfortable with. Regarding IDOT's decision to redesign the Business 20 area, it cannot be counted on that the trees will continue to exist.

Regarding Attorney Linnabary's statement of fire trucks being able to turn around on grass, Mr. Marinaro from the Fire Department stated Fire trucks do not turn on grass. Attorney Linnabary stated he meant to say sidewalk to which Mr. Marinaro asked if this would be a sidewalk constructed for the weight of emergency vehicles. He was also concerned with snow removal in these areas to insure access for emergency vehicles.

Mr. Sanders stated he is not comfortable with the complete elimination of landscaping along the tree line side of the property and feels this is not acceptable. Ms. Neubauer is concerned with the level of density in this location. She was also concerned with the rental amounts, stating 3 bedroom homes could be

purchased for around the cost of the 3 bedroom apartments. Mr. Roszkowski pointed out that he wasn't certain if other businesses would want to locate behind this shopping center due to lack of visibility so maintaining commercial use may not be practical. Mr. Salgado expressed his concern with Section Eight being applicable in the future. Mr. Sockwell stated the location may not matter as far as Section Eight if the units are not rented out, and pointed out that this could apply to many locations.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for a Planned Unit Development for a Multi-Family Residential Development consisting of 158 Units on one lot in a C-3, General Commercial District for the property at 1277 Asche Avenue & 15XX Sandy Hollow Road with added conditions 1 thru 3. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-3, with Dennis Olson, Alicia Neubauer, and Julio Salgado voting Nay.

Approval is subject to the following conditions:

1. Submittal of landscaping plan to include the southeast property to Staff for review and approval.
2. Improvement plan for the shopping center to be part of this development
3. The Applicant is to work with Jon Hollander (Public Works) on making the site more to his liking

ZBA 020-10
Findings of Fact for a Special Use Permit
For a Planned Unit Development
For Multi-Family Residential Consisting of 158 Units on One Lot
In a C-3, General Commercial Zoning District at
1277 Asche Avenue and 15XX Sandy Hollow Road

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

ZBA 012-10

Applicant
Ward 10

280 North Phelps Avenue, Unit E

Louis Messina / Secrets Apparel & Gifts Inc.

Special Use Permit for the operation of a sexually-oriented bookstore business in a C-3, General Commercial Zoning District

Laid Over from May and June meetings

City Legal Department has requested a Lay Over of this item.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for the operation of a sexually-oriented bookstore business in a C-3, General Commercial Zoning District at 280 North Phelps Avenue, Unit E. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 8:15 PM

Respectfully submitted,

Sandra A. Hawthorne, Administrative Assistant
Zoning Board of Appeals